on a particular day are not answered with all the supplementary questions. I do not know the legality of these things. From the point of view that all these questions are to be answered in one day, it practically tantamounts to saying that the non-official Members lose the chance of eliciting proper information from the Government side. From the practical point of view, apart from the 'shall' or the 'will' or the 'may'—I am not a lawyer—as laymen we are anxious that this power worth having in this Council should be retained. If there is one complaint here, it is the complaint that the number of questions answered in the paper is rather 'more' than less.

President.—We put 30 questions a day now.

Dr. A. R. Menon.—Even now we don't get the chance of putting supplementary questions to some of them. I know as a matter of fact my friend has sent about 70 questions for this session. He now says that all the 500 or 600 questions should be answered in one day.

Mr. A. B. Salem.—Nobody said that.

President.—You said that.

Mr. A. B. Salem.—It need not be answered.

President.—The question is about extension of time. That alone causes some difficulty.

Mr. Thomas Manjuran.—Then we shall get a list of questions.

President.—So far as the requesting of the President and the obtaining of permission is concerned, it is all formality.

Mr. A. B. Salem.—Even if the whole list is prepared, we can answer as many questions as we can on a particular day. There is no practical difficulty.

President.—Suppose there are 500 or 600 questions and you are able to answer, say, 300. With reference to those 200 remaining, is there any difficulty for you to put them together and send a requisition to the President stating we had no time to prepare answers for those questions and the time-limit may be extended?

Mr. U Kandar Menon.—There is no difficulty provided you will be pleased to allow the Secretariat work to fall into arrears.

President.—Then ask for some more clerks and get the staff increased.

There has been a full discussion and considerable light has been thrown on the subject. I don't think you want any answer.

Mr. A. B. Salem.—No. I only wanted to bring it forcibly to your notice.

Adjournment motion regarding Rikshaw strike (*contd.*).

President.—Question time is over. Now we shall consider the adjournment motion of Mr. T. K. Nayar about rikshaw-wallas. I was told that everything ended peacefully.

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Mr. A. B. Salem.—I think the Secretary is doing every thing that is necessary in the matter.

President.—I had asked the Secretary, the Commissioner of Police, the Chairman of the Municipal Council and the Chief Medical Officer to have a joint meeting.

Mr. K. P. Kannan Nayar.—I do not think he is pressing his motion.

Mr. T. K. Nayar.—Provided no fees will be charged for medical certificates I do not press.

Mr. P. Nilakanta Menon.—Arrangements are also made for the time being to issue certificates without fees. Here is a letter addressed to the Government by the Chief Medical Officer on the subject:—

"I have the honour to state that I have deputed Sub-Asst. Surgeon N. Madhava Warier to examine and grant certificates to rikshaw-wallas free of charge from this day onwards for ten days. He will perform this duty in the Municipal Office daily from 7 a. m. to 9 a. m. I have intimated this fact to the Chairman, Municipal Council

"In this connection I would point out that I consider the rule of rikshaw-wallas requiring to produce medical certificates is unnecessary and harassing. The regulation requires that the rikshaw cooly should be fit in the opinion of the Commissioner which does not necessarily imply production of a medical certificate. It is not in vogue in British towns as far as my experience goes. I, therefore, recommend that this rule may be abrogated."

Diwan Bahadur Dr. V. Verghese.—I heard that such certificates are not required anywhere in British. The rule is that the Commissioner must be satisfied that the man is fit, and it is only for his satisfaction that he wants a medical certificate.

Dr. A. R. Menon.—That is from the frying pan to the fire. The Medical Officer, I am told, demands fees for medical certificates, saying that it is his due to collect money before certificates are issued. This is a demand which I have not heard in any other place. That is the first point. The second point is you say you will allow a man to pull only if the Commissioner is satisfied; that is from the frying pan to the fire. Why do you meddle with them? Why do you harass and molest these people? Will you provide employment for these people? Why do you with your rules and regulations and police persecute them and say you must get this certificate and that certificate and go to this man and that man? The Government have developed of late a great affection for these rikshaw-wallas. I cannot understand what all this is unless it be to molest these poor people.

President.—Let me have my say also. If there is no rule in British corresponding to this, why not abrogate our rule altogether? (*Hear, hear.*) I was all along under the impression that there is a similar rule in British. Now it is said there is no such rule. Let us not introduce a rule which works adversely against these poor people. (*Hear, hear.*)

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Mr. A. B. Salem.—There is no such rule in British Cochin.

President.—Even this medical examination is unnecessary. Before a license is issued the issuing officer may satisfy himself that he is a fit man.

Dr. A. R. Menon—If that argument is accepted, then medical examination is necessary. No lay man has the power to say whether one is fit or unfit. We considered this question in the Trichur Municipality. We have been getting on without this regulation and on that ground we dropped it.

President.—You will assure yourself of the fact whether there is such a rule in British, and if there is no rule, you will be justified in making a recommendation that the rule may be abrogated. (*Hear, hear.*)

Mr. S. S. Koder.—It is not necessary here even if there is a rule in British.

President.—Then at least it is a matter for consideration. That is to say, what are the circumstances under which that rule came to be enacted, whether those circumstances exist in our place, all these things we have to consider. If there is no such rule at all, then no consideration is necessary.

Diwan Bahadur Dr. V. Verghese.—This is the law regarding hackney carriages in British, "it shall be lawful to the Commissioner to issue licenses to any applicant whom he, or the officer appointed or any one who is authorised to issue licenses may consider fit".

President.—I suppose the Chairman has to get certain fees.

Dr. A. R. Menon.—The Chairman's relation with the riks aw-walla is only about the rikshaw. There must be a payment of Rs. 2—2—0, I think, for the permission granted to him to ply for hire a rickshaw within the Municipal limits. The Municipal Chairman or the Municipal Council have nothing to do with the physical condition of the person who drags the rickshaw. I do not think any Municipality is willing to take this most unpleasant task of saying that he is unfit. When the Government is willing to provide him with a lighter work, then certainly I shall subscribe to this. You ask a man not to do a certain work, and is it not your duty to provide him with a lig ter work?

President.—You will think over the matter and make suitable recommendations to the Government about the abrogating of this rule. Then what is your position with regard to this motion?

Mr. T. K. Nayar.—In view of the statements made in this House by the Government I beg to withdraw my motion.

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President.—The statement is that matters will continue as they were till now and the rule will not be enforced. (*Hear, hear.*) The Police Commissioner will go into the question seriously and make the necessary recommendations. If he thinks there is no necessity for any rule being introduced, he will make the recommendations accordingly. If not, he will place whatever recommendations he has to make.

Mr. Thomas Manjuran.—In any case medical certificates will be freely given.

President.—That of course was just now acceded to by the Commissioner of Police.

Mr. P. Krishna Menon.—It is quite sufficient.

President.—Mr. T. K. Nayar, please hear what I have recorded.

"The rules requiring the production of medical certificate will not be enforced until a further order of the Government. The Commissioner of Police has been asked to examine the question afresh and submit a report on the subject. It is stated that such rules are not in force in the Madras Presidency. If this is a fact, I do not see any reason why we should have the rule in question in our State."

"In view of what has been stated above, Mr. T. K. Nayar does not press his adjournment motion."

Mr. T. K. Nayar.—That is all right.

(*The motion was withdrawn with leave.*)

Adjournment motion regarding the policy of Government as evidenced by the recent transfers and appointments.

President.—There is another adjournment motion presented by Mr. P. Krishna Menon.

It is "*to consider the policy of the Government, as evidenced by the recent orders of transfers and appointments made in the vacancy caused in the leave arrangement of M. R. Ry. Rao Sahib T. V. Kasturi Ranga Ayyar Avl., preparatory to his retirement in that it was in direct contravention to the definite recommendations of the Special Finance Committee and as approved by this Council*".

Will this involve a consideration of the propriety of the appointments gazetted ?

Mr. P. Krishna Menon.—Not a word about the persons.

President.—I mean, many appointments have been made, for instance, Mr. T. M. Krishna Menon as the Diwan Peishkar, Mr. Vaidyanatha Ayyar as the Puisne Judge, Mr. Antony as Excise Superintendent, and other Consequential appointments have been made. Is the discussion likely to question the correctness or soundness of those appointments, namely thatsuch an appointment is not proper, or should not have been made ?

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Mr. P. Krishna Menon.—I have not the slightest idea of raising such a discussion. My only point is, as stated in the motion, that it was in direct contravention to the definite recommendations of the Special Finance Committee and as approved by this Council. It is only so far as the financial aspect of it is concerned.

President.—Not that you are going to question the propriety of the appointments? I want to point out a ruling of mine some time ago that I would not allow such adjournment motions questioning the propriety of appointments, and I also do not know of any case in which appointments have been questioned in any Council. It was that ruling that led to an unfortunate walk-out in the Council. If there is any such question, I cannot allow the motion. What are the facts you want to bring forward?

Mr. P. Krishna Menon.—Firstly, that the Finance Committee recommended to effect retrenchments as far as possible, and secondly the transfer of judicial officers to executive line. These are the only two points.

President.—I do not know how far it is proper. The recommendations are there; they have not been accepted but are still under consideration.

Mr. P. Krishna Menon.—It has been accepted by the Committee in the first place, and secondly by this Council.

President.—That may be. But they will have no binding effect unless they are accepted by the Government. If the Government accept the recommendations and then contravene, then that is a matter for argument.

Mr. P. Krishna Menon.—We want to emphasise that, and if the Government is not accepting it, we want the Government to accept it.

President.—Why should it be emphasised? It has been once considered and resolutions have been passed on the subject.

Mr. P. Krishna Menon.—Perhaps the Honourable the President looks to the urgency of the matter.

President.—Not the urgency. You want to say, it seems that, because the Special Finance Committee made a recommendation and that recommendation was accepted by the Council, the Government are not justified in making these appointments. Is that not the point?

Mr. P. Krishna Menon.—The wording is clear there, namely, "in direct contravention to the definite recommendations of the Committee and the Council" and not the acceptance.

President.—That is not the point. Let us be clear. The Special Finance Committee's recommendations were discussed

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in the Council and were accepted by it. There the matter stands.

Mr. P. Krishna Menon.—I further say that the recommendations were accepted by the Legislative Council and the present appointments were in contravention of that.

President.—Even if the recommendations are made, the Government are not bound to accept them.

Mr. P. Krishna Menon.—They were passed by the Special Finance Committee and secondly by the Council. A few arguments may be forthcoming.

Mr. C. A. Kunjunni Raja.—Under Rule 19 it is objectionable to discuss the matter at this stage.

President.—We proceed on the assumption that the matter has been discussed, and we take it as an accepted fact.

Mr. C. A. Kunjunni Raja.—It is emphasising what has already been said.

President.—You say that it is not your object or intention to question the correctness of the recent appointments. When you say that it contravenes certain definite recommendations of the Special Finance Committee and approval by the Council, that is questioning the appointment.

Mr. P. Krishna Menon.—I respectfully beg to differ from the Hon'ble the President in that view.

President.—When you discuss the matter that it is in contravention of the recommendations of the Special Finance Committee, it is questing those appointments.

Mr. P. Krishna Menon.—I emphasise the word 'policy'.

President.—Will it not come to this that the appointments were not properly made?

Mr. P. Krishna Menon.—Of course in one sense it does follow. There is no use in beating about the bush. That is not the one point that I want to move, but it is the violation of the recommendations of the Special Finance Committee and the Legislative Council that I want to bring to the notice of the Council.

President.—Recommendations are violated. Therefore, the appointments are not correct. Is it not questioning the correctness of the appointments?

Mr. P. Krishna Menon.—A policy cannot be criticised without adverting to the results of the policy.

President.—I do not want the policy. I am on the question of appointments. These appoinments are made by His Highness the Maharaja and cannot be questioned in this Council. So that, if your discussion of policy amounts to that, it will result that these appointments are out of order. If the adjournment motion is accepted, it will clearly follow that the

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appointments were not correctly made. That is the aspect I want to present before you.

Mr. P. Krishna Menon.—Then it follows that no policy which results in an appointment can be discussed in this Council.

President.—There may be so many consequences following from the appointments. Whether this would reflect upon the appointments is the question.

Mr. P. Krishna Menon.—It does, Sir.

Mr. V. D. Ouseph.—Not upon the person.

President.—It is not a question of persons. I may have to take some time to give my ruling on the point and I shall, therefore, give it to-morrow morning.

Bill to amend the Cochin Chief Court Regulation.

President.—Next item, Bill by Mr. C. A. Kunjunni Raja.

Mr. C. A. Kunjunni Raja.—I beg to move that the Bill to amend the Cochin Chief Court Regulation II of 1076 be referred to a Select Committee composed of the following Members:—

1. Mr. A. Eachara Menon.
2. Dr. A. R. Menon.
3. Mr. Thomas Manjuran.
4. ,, P. Kumaran Ezhuthassan.
5. ,, T. A. Ramachandra Ayyar.

to represent all Taluks, and Messrs. (6) K. Mohamed Seethi, (7) A. B. Salem, (8) E. Ikkanda Warriar, (9) M. K. Raman to represent different communities, and (10) myself.

President.—I do not think all these are necessary. We want the names of Members alone.

Mr. T. A. Ramachandra Ayyar.—I beg to second it.

Mr. V. D. Ouseph.—I rise to a point of order.

This motion does not lie at this stage. Either it is premature or the time is over. As to the right of the mover to continue the Bill at this stage, I leave open that question, but supposing he is entitled to do it, what I submit is that the Bill has not either come to a stage where a Select Committee is to be appointed or it has passed that stage. For that purpose we shall refer to the provisions of the Standing Orders. Section 31 of the Standing Orders runs thus:—

Section 31 (1). "At any time after a Bill has been published in the Gazette, the Member in charge of the Bill may introduce it.

(2) "When introducing a Bill the Member in charge of it shall move that the Bill be read in Council.

(3) "If the motion be seconded, the principle of the Bill and its general provisions may then be discussed, and if the motion be carried, the Secretary shall read the title of the Bill.

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(4) "The Member in charge may then immediately move that the Bill be referred to a Select Committee composed of such Members as he may specify in his motion.

(5) "If the Council agrees to such a motion it shall appoint the Committee and may direct that its report shall be submitted within a specified period".

Of course the motion was carried. It has not gone further. The title of the Bill was not read by the Secretary. "Secretary shall read the title of the Bill." It has not been done. Reading of the Bill by the Council Secretary is what is called the introduction of the Bill. To know as to what took place let us refer to the Proceedings of the Council. That is Vol. IV, last part. (It begins on page 509 and ends on page 528.) From page 527 it will be seen that the Bill was discussed, and after that the Council Proceedings run as follows:—

"President.—How does it stand ?

Mr. T. K. Krishna Menon.—12 for, 6 against, and 16 neutrals

Dr. A. R. Menon.—The largest number of neutrals!

Mr. O. R. Chummar.—The largest number is for no change.

Mr. N. Padmanabha Menon.—Change or no change they do not care.

President.—We will rise for lunch now.

(The House rose for lunch at 2 p. m. and re-assembled at 3 p. m. when the Deputy President presided.)

Deputy President.—What is the next item of business ?

Mr. N. Padmanabha Menon .—The second reading of the Bill.

Mr. C. A. Kunjunni Raja.—In deference to the wishes of the Members of the Party, to which I belong, although it is not a Party measure, especially two of the Christian Members, Messrs. Chakko and C. A. Ouseph, I do not proceed further with this Bill. Since I have introduced the Bill, and it has got to be carried to the next session, I would not request you to suspend the Standing Order in this connection."

So that, we find that the compulsory part of the procedure that the Secretary shall read the title of the Bill was not gone through, and so the Bill was not introduced. It is only after the introduction of the Bill that the question of appointment of Select Committee or discussion of the Bill will arise. So that, I say that this has come up only to the stage of introduction now.

President.—This irregularity need not be taken as too serious. There is nothing turning out the sense of the House. The question is whether you can treat it as a mere formality not open to serious consideration, or whether it is a provision which has to be substantially complied with and whether the business as a whole stands vitiated.

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Mr. V. D. Ouseph.—Here the wording is clear regarding the introduction of the Bill. That is to say, no introduction was done.

President.—The Council has given permission for the second reading of the Bill. So that when the Bill was taken, that motion was passed.

The Secretary's reading the title of the Bill is the same as the Bill be read in Council.

Mr. V. D. Ouseph.—The point is this. Permission was given to the reading of the Bill. That is the provision which we call the introduction of the Bill. Till that formality is gone through, there is no Bill before the Council.

Then secondly even supposing this is only an irregularity which can be condoned, I say that the stage for the appointment of a Committee is over.

President.—What is the next step?

Mr. V. D. Ouseph.—Of course the author of the Bill wants to appoint a committee, but that stage is over. This will be clear by reading the Rules. Standing orders sec. 31 (4) reads thus:—

"The Member in charge may then immediately move that the Bill be referred to a Select Committee composed of such members as he may specify in his motion".

Section 32 reads as follows:—

"32. If no motion for referring the Bill to a Select Committee is made under clause (4) of the preceding Standing Order or if a motion is made and negatived, the Member in charge shall not move that the Bill be taken into consideration until the expiration of fifteen clear days from the date on which the Bill was read under clause (2) of the preceding Standing Order.

"Provided that the President may in his discretion suspend this Standing Order and allow the motion to be made at once or before the expiration of fifteen clear days".

If the Council agrees to such a motion, if a motion has been made, we may appoint a committee. If no motion is made under clause 4, that is, "The member in charge may then immediately move that the Bill be referred to a Select Committee composed of such Members as he may specify in his motion," a motion for that purpose does not lie thereafter.

President.—That is immediately. If that is not done, what is the next procedure? That is said in 32. "If no motion is made under clause 4 of the preceding Standing Order or if a motion is made and negatived, the Member in charge shall not move that the Bill be taken into consideration until the expiration of fifteen clear days from the date on which the Bill was read under clause 2 of the preceding Standing Order,

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"Provided that the President may in his discretion suspend the above rule and allow the motion to be made at once or before the expiration of fifteen clear days". So that, his further right is only to have the Bill taken into consideration. If he cannot do it within 15 days, he has no more right. The Member in charge shall not move that the Bill be taken into consideration until the expiration of 15 days. Has that period not lapsed?

Mr. V. D. Ouseph.—Take into consideration means only discussion. That is the next stage. He can move for the Bill being taken into consideration and not for the appointment of a committee.

President.—He must come with a fresh motion for taking the Bill into consideration.

Mr. Thomas Manjuran.—He cannot come for the appointment of a Select Committee.

President.—It is not for the appointment of a Select Committee. He has no further right, and it is in that way that he came.

Mr. V. D. Ouseph.—Last motion was not for this. It was this way.

Mr. Thomas Manjuran.—Tabled but not moved.

Mr. V. D. Ouseph.—What he did was not to ask for the present motion.

"Mr. C.A. Kunjunni Raja will move for the consideration of the Bill to amend the Chief Court Regulation.'

Mr. Thomas Manjuran.—Not moved yet.

Mr. V. D. Ouseph.—So that a motion for the appointment of a Select Committee will not lie now. Either it is premature or out of time.

President.—I would invite a discussion on this point of order.

Mr. Thomas Manjuran.—May I say a word about the first point? The second point to me appears to be very clear.

President.—What is the first point?

Mr. Thomas Manjuran.—The first position taken by my Hon'ble friend is that the Bill is premature now. The Bill has not, he said, reached that stage. I wish to say one word on the point. The reading of the Bill by the Secretary is not a mere formal thing. It can be prevented by the mover—introducer of the Bill. Reading of the title as mentioned in clause 3 of section 31 is a thing which can be prevented by the introducer of the Bill. That is to say, after the votes have been taken and before the Secretary starts to read the title of the Bill, the mover can say, I withdraw the Bill.

Mr. C. A. Kunjunni Raja.—Oh, yes.

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Mr. Thomas Manjuran.—There would then be an end of the matter. The Secretary cannot then read. So it is a distinctive step in the course of the legislation which can be prevented from being taken by the mover of the Bill. My submission is this. Everything that is ordered to be done in the course of the preparation of a piece of legislation must be strictly observed, the more so, if the step is one which can be prevented by the mover or introducer of the Bill. Now what happened on that day is this. After the vote was taken, it was not a case in which the Secretary casually failed to read, but the House rose for lunch. After lunch the natural course would have been for the Secretary to get up and read. At that stage the mover said he was not pressing the Bill then. By his conduct he stopped the further step.

Mr. A. B. Salem.—Is that so recorded?

Mr. Thomas Manjuran.—Yes.

"We will rise for lunch now. (The House rose for lunch at 2 p. m. and re-assembled at 3 p. m.)

Deputy President.—What is the next item of business?

Mr. N. Padmanabha Menon.—The second reading of the Bill.

Mr. C. A. Kunjunni Raja.—In deference to the wishes of the Members of the Party to which I belong, although it is not a Party measure, especially two of the Christian Members, Messrs. Chakko and C. A. Ouseph, I do not *proceed further* with the Bill. Since I have introduced the Bill and it has got to be carried to the next session, I would not request you to suspend the Standing Order in this connection."

So my case is this. My friend, the Member for Irinjalakkuda, says now that, when he said that he was not pressing, he must be understood to have been saying that he was not going beyond the step then reached. For aught I know he is perfectly right. The mover may have been *bona fide* under the belief that the Bill had been read in the Council. I do not gainsay that. By his action in the Council one formality was not gone through.

Mr. C. A. Kunjunni Raja.—I never prevented the secretary from reading the Bill.

Mr. Thomas Manjuran.—Whether you prevented or your conduct prevented does not matter. It is not like a mere question of criminal revision, where we distinguish between irregularity and illegality. Here is a vital process in the manufacture of law, which has been laid down as a necessary thing by our Rules or Standing Orders and which must be gone through.

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On the next point, I have only to say this. There is, no doubt, in paragraph 2 of the next section, a provision as regards the Select Committee. I shall read. "The official Member in charge of the Department to which the Bill relates and the Member who introduces the Bill shall be Members of every Select Committee and it shall not be necessary to include their names in any motion for the appointment of a committee. The other Members of the committee, that is, Members over and above the official Member and the mover, shall be named by the Council when the motion that the Bill be referred is made or at any subsequent sitting". That refers only to the nominating of the Members. That is Order 33, sub-section (2).

Suppose there was a resolution passed on the day on which the Bill was introduced for reference to a Select Committee. Then the Member in charge may immediately move that the personnel of the Committee be appointed. Or he may at any subsequent sitting mention the names of the Members of the Select Committee and get them elected. That is Order 33, sub-section (2). I believe I have made myself clear.

President.—So that the nomination of the Members may take place either at the time the reference to the Select Committee is moved or at any subsequent meeting.

Mr. Thomas Manjuran.—Quite so.

The nominating of the Members is quite a different thing from the motion that the Bill be referred to a Select Committee. So that that clause won't help the Hon'ble mover of the Bill. What I mean is that section 4 as truly construed means only one thing. If he wants a Select Committee, he would have had to move in terms of sub-section 4. If the Secretary had read the title of the Bill, the Member in charge may move that the Bill be referred to a Select Committee, composed of such Members as he may specify in his motion. That he has not done.

President.—Has he a right to move for reference to the Select Committee?

Mr. Thomas Manjuran.—He can move. We have got section 32. What he can do after that is specified in section 32. "If no motion for referring the Bill to a Select Committee is made under clause 4 of the preceding Standing Order or, if a motion is made and negatived, the Member in charge shall not move that the Bill be taken into consideration until the expiration of 15 clear days." The only other step is to take the Bill into consideration.

President.—But that has been already carried.

Mr. Thomas Manjuran.—The Bill has been only introduced. That is really the second reading. When introducing a Bill the Member in charge of it shall move that the Bill be

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read in Council. That is over now. What is the next? Clause 4. The Member in charge may then, after the Secretary had read the title of the Bill, immediately move that the Bill be referred to a Select Committee composed of such Members as he may specify in his motion. If the Council agrees to such a motion, it shall appoint the committee and may direct that its report shall be submitted within a specified period. 32. What next? If no motion for referring the Bill to a Select Committee is made or if a motion is made, and negatived, which is not the case here, the Member in charge shall not move that the Bill be taken into consideration until the expiration of 15 clear days from the date on which the Bill was read under clause 2 of the preceding order. That is to say, there is only one thing remaining to be done after that step. That is the consideration of the Bill by the House.

President.—The first clause alone is relevant.

Such a thing has not been done. The motion was put and carried. There was no motion negatived. We will confine our attention only to the first clause. If that is not done, it has to wait for 15 days.

Mr. Thomas Manjuran.—Unless the President gives him leave, he has to wait for 15 days for the final consideration of the Bill. Let us assume.

President.—We are in the second reading stage.

Mr. Thomas Manjuran.—He cannot say 'I don't want a Select Committee. So read my Bill.' He cannot rush the Bill like that.

President.—You say third reading. We are in the second reading stage.

Mr. Thomas Manjuran.—It is not the word 'reading' that matters. He cannot come forthwith and say 'I wish to have second reading.' He must wait for 15 days.

President.—After the lapse of 15 days, the question arises whether he cannot move a motion for reference to a Select Committee.

Mr. Thomas Manjuran.—Exactly. I say he cannot do under clause 4 read along with section 32. It is clear.

President.—That is a right given to him, which he may exercise or not. It is optional. If he does not do it, then he has to wait for 15 days.

Mr. Thomas Manjuran.—For what?

President.—For moving for a reference to the Select Committee.

Mr. V. D. Ouseph.—He will have to wait for 15 days unless the President gives permission to move it then.

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Mr. Thomas Manjuran.—Taking into consideration is a very different thing from appointing a Select Committee.

President.—Is it the point that the motion should be put again? We are assuming for the sake of argument that the Bill has been read in Council. The consideration is that a discussion has to take place. Amendments have to be considered. A Committee has to go into the question. What will be the situation?

Mr. Thomas Manjuran.—I don't follow.

If it is a case in which the Select Committee must go into the question, it is only after that that the Bill should go into the Council. If the Select Committee has been asked to report, there is a distinct procedure. Section 34.

President.—The Bill be taken into consideration, what is that? Is it second reading?

Mr. Thomas Manjuran.—Second reading.

President.—That has already been passed.

Mr. Thomas Manjuran.—What has been passed is under section 31, sub-sections 1 and 2. This Bill has been introduced in this House and read first time.

President.—Read in the Council. Another reading, is it first or second?

Mr. Thomas Manjuran.—Why should we introduce here the terms first and second, unnecessary terms, which have not been defined here?

President.—Unfortunately they have not been defined. We shall try to understand. Leave to introduce is first stage, consideration or reading in the Council is second stage.

Mr. Thomas Manjuran.—No, no. Leave to introduce, introduction, consideration and passing, 4 stages. Consideration and after that you pass. Finished.

Mr. V. K. Kochunni Menon.—Leave to introduce is reading.

President.—From my experience I have understood that the first reading is leave to introduce.

Mr. Thomas Manjuran.—No, Sir.

President.—The second reading is reading in the Council, taking into consideration and referring to a Select Committee. The third stage is the final passing. According to Parliamentary practice the second reading is the most important.

Mr. Thomas Manjuran.—That is not exactly correct according to our Standing Orders. It is this way. Leave to introduce is asked for. Then if it is given, the Regulation is sent to the Gazette and published. It can be, in certain circumstances, even otherwise. After the publication in the Gazette comes the formal introduction. That has been over That is

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all that has been over, even if you assume that the reading is over, which is not conceded now. Let us assume that it is over. The introduction is over. We are on that stage. Then two things could be done. The Hon'ble Member who introduced the Bill could either immediately ask for reference to a Select Committee or he need not ask. He, in this case, chose not to ask. So that the question is what else can he do now? I respectfully point out that, under section 32 read along with section 31, he cannot now apply for reference to any Select Committee. He can only move for consideration of the Bill as he did last time. Last time his motion was for consideration of the Bill. I do not know what induced him to go back. Now he may have his own reasons. He cannot now ask for a Select Committee. The reason is obvious also. Suppose he waits for years and years together and takes it into his head to bring a motion for a Select Committee. He can protract the thing for years together. If he wants a Select Committee he must ask immediately.

President.—He may ask.

Mr. Thomas Manjuran.—But don't come and ask afterwards. That right is gone. That is the implication of sections 31 and 32 read along together. If it has been refused, what can he do next? He can ask for consideration of the Bill. He will have to wait for 15 days. He cannot do it at once except as urgent matter. He cannot rush the House. That is the reason for the 15 days' interval there. Suppose a Member, taking advantage of the convenience of the day or for some reason or other, wants to rush a private Bill. He cannot do that. He will have to wait for another 15 days. That is a safety clause practically. The Hon'ble Member for Jenmies has chosen not to ask for this committee. He had tabled the motion for consideration of this Bill last time, and he then said he was not moving. This time he has come back with a motive for reference to a Select Committee. His motion, under any consideration of the law, cannot be allowed.

President.—Have you anything to say, Mr. Kunjunni Raja? Others may also give an explanation.

Mr. T. M. Krishna Menon.—I wish to say something about the construction of these two sections. I wish to do so as it concerns a matter of general importance.

With regard to the first position taken, *viz.*, that, as the Bill was not read by the Secretary in the Council, the second stage cannot be deemed to have passed. I would meet it by saying that, when the Bill has been introduced, discussed and voted to be read in the Council, it should be taken to have been read, even though it was not actually read. The rule says that

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the Secretary shall read the Bill. It is then his duty to do so. He has no option in the matter.

President.—Quite so.

Mr. T. M. Krishna Menon.—It is obligatory on him. If he does not read the Bill, it should nevertheless be taken as read, since the usual rule of construction in law is that a thing which ought to be done should be taken as having been done.

President.—Suppose he is prevented.

Mr. T. M. Krishna Menon.—It does not matter. The Bill must be taken as read although as a matter of fact it was not read.

Mr. Thomas Manjuran.—But it has not been done. We have got the official Proceedings. I think it is a new interpretation.

Mr. T. M. Krishna Menon.—That is the true rule of construction in law. If you forget for a moment your position as a Councillor and remember that you are a lawyer, you will understand that that is the rule.

As regards the other position, I have my own doubts if the reference to a Select Committee is one of the essential stages which a Bill has to go through before it is passed into law. I consider that there are only three such stages. The first is the obtaining of the leave of the Council to introduce it, the second is its actual introduction and reading in the Council and the third is the taking of it into consideration and its final passing by the Council. If a Select Committee is appointed and the Bill referred to it, it is done as a matter of convenience. It is not an absolute necessity.

Mr. Thomas Manjuran.—Nobody says it is.

Mr. T. M. Krishna Menon.—Wait please. I have not done. I am explaining my view of these two rules. It is a matter of general importance, and we are as much concerned about it as anybody else.

Mr. Thomas Manjuran.—Certainly we welcome.

Mr. T. M. Krishna Menon.—By my rising to speak on this subject, you should not understand that, as Government Member, I am expressing the opinion of the Government on it. Government has no opinion in the matter, especially on the merits of the Bill.

President.—You may go on.

Mr. T. M. Krishna Menon.—The last stage is the taking of the Bill into consideration and its final passing. The antecedents, appointment of a Select Committee and the reference to it is only a matter of convenience. You cannot say that, because at one stage the requisition did not come for the appointment of a Select Committee, no such requisition would come at any

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subsequent stage. There is nothing in the section which says that, if there is no motion by the mover of the Bill for the appointment of a Select Committee at the particular stage referred to in the section, he should not move for it at any subsequent stage. The words "if no motion, etc.," in the next section should be understood as having reference only to the particular time at which the Bill may be taken into consideration after it has been read, and not as limiting the mover's right to ask for a Select Committee. Three things are possible after a Bill has been read in the Council. The appointment of a Select Committee may not be asked for. It may be asked for and refused. It may be asked for and granted. In the first two cases, the Member in charge of the Bill could forthwith move for its being taken into consideration. But it was thought inexpedient to take it into consideration before the expiry of 15 days and hence the section was enacted.

President.—After the lapse of 15 days what is the proper thing to do?

Mr. K. P. Kannan Nayar.—That is the third stage.

Mr. T. M. Krishna Menon.—The Bill can be taken into consideration after 15 days.

President.—Can we say that the taking of the Bill into sideration has reference to a Select Committee?

Mr. T. M. Krishna Menon.—If there is sufficient time, and if there is an opportunity for moving for the appointment of a Select Committee, there is nothing in the rule which prohibits such an appointment. The consideration of the Bill will then be put off.

President.—Is it only a part of the consideration of the Bill or preliminary to the consideration? The language used is 'taken into consideration.' Does it refer also to the Select Committee or does it not?

Mr. T. M. Krishna Menon.—The consideration of the Bill comes after the Select Committee report. After publication of the Bill in the Gazette, the Select Committee to which it is referred is to make a report thereon. After the submission of the report, the Bill is taken into consideration.

Mr. V. D. Ouseph.—That is upon the report. It is not the same thing.

President.—I say there is no appointment of a Select Committee.

Mr. T. M. Krishna Menon.—The Bill may be taken into consideration.

President.—We shall continue the discussion after lunch.

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(*The House rose for lunch at 2 p. m. and met again at 3 p. m. with the Deputy President in the Chair.*)

Deputy President.—We shall continue the discussion.

Mr. T. M. Krishna Menon.—I may compare it by way of analogy to commissioners appointed by courts to make local enquiries, etc. Their function is to consider certain matters in detail and to assist the court with their opinion. Ordinarily, their appointment should be applied for at an early stage, but late applications are also allowed if the appointment is found necessary. Select Committees appointed by the Council function in much the same way. They are only purely advisory bodies and have nothing to do with the passing of any Bill. My submission is that such bodies may be appointed at any stage provided there is time and occasion for doing so.

To comment further upon Standing Order No. 32, which runs as follows, viz.,—"*If no motion for referring the Bill to a Select Committee is made under clause 4 of the preceding Standing Order or if a motion is made or negatived, the Member in charge shall not move that the Bill be taken into consideration until the expiration of 15 clear days from the date on which the Bill was read under clause 2 of the preceding Standing Order provided that the President may, in his discretion, suspend the Standing Order and allow the motion to be made at once or before the expiration of 15 clear days.*" I say that, as I have already explained, the object of this rule is to put off the consideration of the Bill till after the expiry of 15 days from its reading in the Council. It is not intended to lay down that the Bill should not be referred to a Select Committee if the motion, therefore be not made immediately after its reading in the Council.

Mr. C. J. Mathew.—With due respect to the Hon'ble Member for Revenue, I beg leave to differ from him. Confining my attention to the second part of the point of order raised by the Hon'ble Member for Irinjalakkuda, may I point out that there were only two courses left open to the mover of any Bill after it went to the stage described in Standing Order 31, clause 3? Taking it for granted that the Secretary did read the title of the Bill and things went to that stage, clause 4 suggests one course of action. The Member in charge *may* then *immediately* move that the Bill be referred to a Select Committee. He may move for the appointment of a Select Committee or may not move, because a Select Committee is not a necessity. Of course the Select Committee is not a legislative body, and it is left to the entire choice of the mover of the Bill either to move for the appointment of a Select Committee or not. On that we have no issue at all. The whole question then is whether he

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did move for a Select Committee *all at once*, that is to say, *immediately*, or in the alternative, if he did not choose to do so immediately, whether he has *waived* the *right* to move for the appointment of a Select Committee. In other words, was it obligatory on his part to have moved for the Select Committee then and there, and if he failed to do so at that stage, has he waived that right once for all? In my opinion, he has waived that right, and his present attempt is out of order and out of place. Why could he not have done the proper thing in the right moment? What he then cared to do was to say 'I shall not proceed with the Bill for the time being'. As such he has not moved for a Select Committee *immediately*, and having not moved for a Select Committee immediately, he has once for all waived this right under S. O. 32. He may say that time the Council then existing was about to terminate and that, even if a Select Committee were appointed then, it could not have functioned. But that is not his look-out. His duty was to move then and there for the appointment of a Select Committee, and if that Select Committee did not function, he could have moved the Second Council also. Since he did not exercise his right at that time and *immediately*, he has lost for good a chance which he could not get again. He has no more right to come with a motion to have a Select Committee appointed now and at this stage. Having not appointed a Select Committee under clause 4 during the life-time of the First Council itself, when this Bill went before them, this Bill has *ipso facto* gone to the next stage, namely, the stage for a Bill to be taken into consideration. The Hon'ble Member for Revenue suggested that even during the stage of consideration the mover can bring in a motion for a Select Committee. The motion for a Select Committee is entirely different from a motion for the consideration of a Bill. Rule 37 is quite clear. It says: "after the presentation of the final report of the Select Committee on a Bill, the Member in charge may move that the Bill as reported by the Select Committee be taken into consideration." So it is wrong interpretation to contemplate the possibility of a motion for Select Committee when any Bill has gone to the stage of consideration. Since he did not get a Select Committee appointed at the proper time, the only course left open to him subsequently was to move under section 37 that the Bill may be considered without the report of a Select Committee. Having waived his first course, he is now forced to enter into the second course of action. He is barred from bringing a motion now and before this Council for the appointment of a Select Committee. The only choice left to him now is to have the Bill considered at length. It is too late now to

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think of a golden chance he lost. This Council cannot forgive him. The present motion is quite out of order.

Mr. K. P. Kannan Nayar.—I would like to say a few words with reference to this point of order. The point of order raises two questions. The first question that is raised is that the motion for the appointment of a Select Committee is premature in that the Secretary has not read the title of the Bill. That is the first objection. The second ojection that is taken is, if it is supposed or admitted or conceded that the first stage is over, that is, the introduction of the Bill is over, then the only other course, in the circumstances of this case, is for the introducing Member to move for the taking into consideration of this Bill, as the motion for the Select Committee stage is passed. These are the two points, *viz.*, either it is premature or it is over-mature, if I may use that expression.

As far as the first point is concerned, *viz.*, the reading of the title of the Bill, as was clearly pointed out by the Hon'ble Member for Revenue, under Rule 31, when introducing a Bill the Member in charge of it shall move that the Bill be read in Council, and if that motion is seconded, the principle of the Bill and its general provisions may then be discussed. Of course we can suppose here that the principle was discussed and the provisions were in a manner discussed and the motion was also carried, so that the introduction stage is over. There is another, I would put it, ministerial part to be done here, and that is, the Secretary, who corresponds to the clerk in Parliament, is to read the title of the Bill. Now a reference to May's Parliamentary Practice at page 385 will show—there are 3 readings there, *viz.*, the first reading, the second reading and the third reading—even if the title is not read by the clerk, it should be considered as read. It is said here: " its short title is read or *supposed to be read* by the clerk. That is taken to be a sufficient compliance with the order of the House," etc. That is why I say it is purely a ministerial matter. From the Proceedings here it will be seen that, as soon as the Council reassembled in the after-noon on 18th Kumbham 1103, when the President asked what is the next business, Mr. Padmanabha Menon, the Member for Cranganur: said "the second reading of the Bill", in fact correspondig to the taking into consideration of the Bill or whatever it be. He simply said that, and the Member who introduced the Bill then said " I have introduced the Bill already". Now this was on the 1st March, and the Council was to be prorogued on 2nd March, which was the last day of the sitting of the old Council. Now it was open to

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him soon after the Bill was introduced under clause 4 to immediately move that the Bill be referred to a Select Committee; "the Member in charge *may* then immediately move", that is the language of the rule here. It is an enabling provision. It is not said there "he *shall* then immediately move". It is said "he *may* move". That means he may immediately move or he may not immediately move. I have finished the first part of the point of order. That the title is not read is absolutely no objection to the consideration of this matter. Now as to whether the motion for a Select Committee is over-mature, I only want to point out that, according to the Standing Order, it is only said he may do it immediately. It does not say that, if he does not do it immediately, he cannot do it at any other time. It is a right given to him, and unless that right is taken away by any particular provision of the rule itself, we cannot suppose that he has lost this right now. Now what is prevented under Standing Order 32 is that, if he has not made that motion under the previous rule, he cannot say that the Bill may be taken into cosideration immediately. That is not the motion here. He does not want to say that the Bill may be taken into consideration immediately. What he only wants is that the Bill may be referred to a Select Committee. I do not think that sub-clause 4 should be read in the manner in which it is sought to be read now as it only says "the Member *may* immediately move that the Bill be referred to a Select Committee." He must certainly have known that, because it will be seen here that, unless the Bill has been introduced, the Bill itself would have lapsed. The Bill having been introduced, it would have been open to him, if he had been re-elected, to continue further progress of the Bill during the next Council. Even if he had made a motion, then I suppose it would have been a useless motion, because the Council itself was going to be dissolved the very next day, and the motion for a Select Committee, unless it be to satisfy a provision, if there be such an obligation cast upon him, would have been an absolutely useless motion, and that is why the Member simply said then "I do not want to proceed with this Bill still further." Now it is open to him either not to move for a Select Committee or to move for a Select Committee or for the consideration of the Bill itself, and I do not think, by any straining of language, you can say that the Member has not got the right to refer his Bill to a Select Committee. There is no provision either in the Rules or Standing Orders to say that that right is taken away unless he says that he has actually waived it.

Mr. V. D. Ouseph.—Where is the right given to him?

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Mr. K. P. Kannan Nayar.—The section does not say "he shall not move". It only says "the Member in charge may then immediately move". He may move, he may not immediately move. Nowhere is it said that he shall immediately move. So far as the construction of the rule is concerned, I do not think you can restrict this right that is given to him.

Mr. T. M. Krishna Menon.— The rule only says "may then immediately move". It does not say "at the same meeting".

Mr. U. Kandar Menon.—I also wish to speak a few words with regard to the second point. A reading of Rule 31 makes it clear that, if a motion is to be made for referring the Bill to a Select Committee, it should be at the meeting at which the mover makes the motion to have the Bill read in Council. Some Members have been arguing that the word used is "may". That is because it is not obligatory upon the mover to refer the Bill to a Select Committee. The Bill may be considered and discussed and passed without reference to a Select Committee, and that is the reason why the Legislature has used the word 'may'. If no motion for referring the Bill to a Select Committee be made under clause (4),—that is the only provision which enables the mover to refer the Bill to a Select Committee—then he can move that the Bill be taken into consideration after the expiration of 15 days. It is not obligatory for the passing of the measure, that the Bill should be referred to a Select Committee. He has the right to move the Council to take the Bill into consideration. So I should say that the word 'may' is used as it is not obligatory on the part of the mover to refer the Bill to a Select Committee, and I should think, especially in this case, it is unnecessary. There may be so many other cases in which it may not be necessary to refer the Bill to Select Committee consisting of 13 or 15 Members; it all depends upon the nature of the Bill. According to the Revenue Member, even though the mover of the Bill does not move for the appointment of a Select Committee at the time mentioned in Rule 31 (4), there is nothing to prevent him from doing so before the Bill is taken up for consideration under clause 32. The power to refer the Bill to a Select Committee is itself the creature of the statute and the rules framed thereunder. And the only rule which authorises the mover to do so is Rule 31 (4). There is no other section which authorises the mover to refer the Bill to a Select Committee. Had it not been for this section, it was not competent for the mover of the Bill to request the Council to refer the Bill to a Select Committee at all. The second objection, therefore, appears to me to be valid. With regard to the first objection, it is only a matter of form.

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Deputy President.—There is nothing in Standing Order 32 to show that the motion for a Select Committee should be made immediately.

Mr. U. Kandar Menon.—It is stated in the section itself. It is not necessary to use the word 'immediately' in section 32 because the wording is "if no motion is made under clause (4)". When that clause contains the word 'immediately', it is not necessary to repeat it here. So, a reading of sections 31 and 32 will make it clear that the motion for reference to a Select Committee, if the mover wants to make it, must be made at the meeting at which the Member moves that the Bill be read in Council. The Bill was read; the title must be presumed to have been read by the Council Secretary. The only thing remaining to be done is to move for the appointment of a Select Committee. It is open to him to claim that privilege or not. If he does not claim that privilege, then he can move the Council for taking the Bill into consideration. With regard to that, a time-limit is fixed, *viz.*, after the expiration of 15 days.

Mr. P. Krishna Menon.—A word, Sir, in support of the interpretation put upon the section by the Hon'ble Secretary. Now, to put the whole thing in a nut-shell, I may ask the simple question whether there is any provision in the law or the Standing Order or the Rules for the motion to refer a Bill to the Select Committee other than what is contained in clause (4) in section 31. That clause specifically says: "The Member in charge may *then immediately* move that the Bill be referred to a Select Committee". Therefore, to take advantage of the provision to refer the Bill to a Select Committee, the motion has to be made immediately after something which precedes. Therefore, if that opportunity is lost, certainly he cannot do it again. Now, such a contingency is contemplated by the Rules is abundantly clear from the provision contained in section 32. There is no provision for referring the Bill to a Select Committee other than the one provided in clause (4). It has to be done immediately after a certain stage. Only one word more. When that stage is past, the next stage is contemplated, namely, the motion for taking the Bill into consideration, which of course is restricted by a provision with regard to the time that is to be taken. Therefore, from a reading of these two simple sections, it is clear that the only stage at which such a motion can be made for referring the matter to a Select Committee is one and one only as provided in clause (4). (*Hear, hear.*)

Mr. A. L. Antony.—Sir, the intention of the Legislature under Standing Order 32 is clear, as stated by the Hon'ble

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Members. I want to bring to your kind notice that the intention of the mover also was not to send the Bill to the Select Committee, because this is such a simple matter and an easy thing, that the necessity for the formation of a Select Committee is not essential for this piece of legislation or amendment. So his intention was also according to the intention of the legislature. It is evidenced by the fact that his motion at the time of the first reading was only for the consideration of the Bill. His idea also was that it should not be sent to the Select Committee. I want to say this that the Hon'ble Member for Jenmies would not be displeased if this is now thrown out of the Council because he had not that idea of sending the Bill to the Select Committee. That is also known by the internal evidence of the case.

Mr. A. Sankara Menon.—Every argument that can be advanced in favour of the motion or against it have been placed before this House. I will also add a few words. The reading of the title by the Secretary is only a very small matter. With regard to that, the Hon'ble Member for Vellarappalli has already referred the House to May's Parliamentary Practice. The rule there is the same as ours with regard to the reading of the title of the Bill. In page 385 of May's Parliamentary Practice it is said: "As soon as the House has ordered a Bill to be now read the first, the second or the third time, its short title as entered upon the notice paper and endorsed on the Bill is read or supposed to be read by the *clerk*".

Mr. V. D. Ouseph.—Is it legislation or only a customary rule?

Mr. A. Sankara Menon.—These are rules for regulating the practice and procedure of the House just as the Rules and Standing Orders here. Therefore, the first point will not stand. With regard to the second point, it is not so very easy. I think the word 'immediately' should be understood as not precluding a motion between the first reading of the Bill and the time when the motion is made for taking the Bill into consideration. (*Hear, hear.*) It is intended for that purpose. The motion can be made at once. There is no necessity for delaying the motion, after the Bill has been read. Section 32 says that, if no motion is made by the Member in charge of the Bill under clause 4 of Standing Order 31, the Member can move that the Bill be taken into consideration only after a certain number of days. Therefore, the period lapsing between the two days can be used by the Member in charge of the Bill for moving for a Select Committee to be appointed. I do not say the Rules are very clear. There is some difficulty in construing them together. It is not the words " if no motion for referring the

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Bill to a Select Committee under clause 4" that create the difficulty, but the latter portion. 15 days are calculated not from the date of motion for a Select Committee, but from the date on which the Bill was read for the first time. The question is this. Supposing the time lapses, or take the illustration given by the Member for Vellarappalli, suppose on the last day of the Council the motion is made with regard to the introduction of the Bill and it is passed, and suppose no motion for the appointment of a Select Committee is made, what will take place when the next Council meets? Therefore, I say there is real difficulty in the matter. I am only placing this for the consideration of the President. There is another difficulty also. It will be seen from clause 4 of section 31 that the Members are to be named by the Member in charge of the Bill. But section 33 says that the Members of the Committee shall be named by the Council. Therefore, it cannot be said that the Rules are consistent with one another. I am only placing the difficulties before the President for his consideration in passing the ruling. One side of the matter was placed before the House by the Secretary to the Government and the other side of the matter by the Hon'ble Member for Revenue and the Member for Vellarappalli. I will only say that the word 'immediately' can be understood in a wider sense, i. e., the period between the date on which the motion for the introduction of the Bill has been allowed by the House and the date on which the motion for taking the Bill into consideration is made. There is another point also in regard to this matter. It may be a question whether, as soon as a Bill is introduced, a motion can be made for referring the Bill to a Select Committee, or whether some time should elapse between that period and the date on which the motion is to be made and whether it is necessary to give notice with regard to that motion and have that motion placed on the agenda paper. Clause 4 is intended to obviate that difficulty. No notice with regard to that motion need be given. Generally regarding all motions notice has to be given. See Standing Order 19. With reference to referring the Bill to a Select Committee it is provided that the motion can be immediately made and for that purpose Standing Order 31 clause 4 is introduced. My submission to the House is that, if this matter is viewed in this light and also in the light of section 33 that the other Members to the Committee shall be named by the Council, the word "immediately" can be understood in a different sense altogether. The Member can make the motion immediately in the sense that no notice of the motion is necessary. These are the considerations that I have to place before the House.

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Mr. Thomas Manjuran.—May I read the English meaning of the word 'immediately'? Immediately means "directly", "with no delay between two objects" or "without delay". Now if 10 years' time can be called " without delay " or " directly ", you will have to invent a new Dictionary for it.

Mr. V. D. Ouseph.—Now the point of order is raised on two grounds, namely, one that it is premature and the other that it is out of time. The ruling upon one point is in my favour, and that is enough for the purpose. The second objection has appealed more than the first to the Members here. If it can be saved by the second point, why should we go for the first? That point need not be considered.

Deputy President.—If there is nobody else to speak on it, I shall ask Mr. Raja to reply.

Mr. C. A. Kunjunni Raja.—The first objection is that the the Bill has not been introduced. What is to be done at the time of the introduction is clear from Rule 31 (2). Rule 31 (2) runs thus:—*When introducing a Bill the Member in charge of it shall move that the Bill be read in Council*". That is the motion for introduction. Then if this motion is seconded, under Rule 31(3) the principle of the Bill and its general provisions may then be discussed, and if the motion is carried, the Secretary shall read the title of the Bill. This has been the practice in the case of Bills here. First the Member in charge formally moves that the Bill be read in Council, and then the Bill is discussed, and if the motion is carried, the Secretary reads the title of the Bill. The motion carried is the introduction of the Bill and that has been done so far as this Bill is concerned. So the introduction stage is over and that objection will not stand.

The second objection is that it is too premature to make the motion for a Select Committee because the Secretary has not read the title of the Bill. It will be clear from the Proceedings that the Secretary has not read the title. I have absolutely no control over the Secretary. Under Rule 31 (4) the Member in charge may *then* immediately move that the Bill be referred to a Select Committee. It is only when the title is read, the motion for the Select Committee is to be made. The Member in charge is to give notice for a reference to the Select Committee and the reading of the title by the Secretary automatically follows. If it ought to have been read, the President can now ask the Secretary to read the title of the Bill. So far as the Member is concerned, he need not and cannot ask the Secretary to read the title of the Bill. What really took place in the last Council was this. On the first of March 1928, the Bill was

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introduced, and the last Council was to be dissolved on the next day, the 2nd of March. If the idea then was not to move for a reference to a Select Committee, I could have then and there requested the President to suspend the Standing Order under Rule 32, and I could have moved that the Bill be taken into consideration that day and got it passed the next day.

Deputy President.—Which is the Rule that gives powers to the President to suspend the Standing Order ?

Mr. C. A. Kunjunni Raja.—Rule 32. I did not do that because the idea was then for a reference to a Select Committee, and it was useless to ask a Council to appoint a Committee knowing that the Council was to be dissolved the next day. There is also no meaning in laying too much emphasis on the word 'immediately' in Rule 31 (4). Suppose this Bill was to be introduced on the last day of the last Council, and it was five o' clock when the motion for introduction was carried in the Council ; then the Secretary has no time to read the title of the Bill, and there is, therefore, no opportunity to make a motion for a reference to a Select Committee. Is it the contention that under such circumstances no motion for a reference to a Select Committee can be made in the next Council? Surely the word 'immediately' cannot be construed to produce such absurd results, and too much emphasis should not be placed on the word 'immediately.' I emphasise this condition that 'When the Secretary has read the title of the Bill" the motion for reference is to be made. Here it was not done by the Secretary, and I have absolutely no control over the Secretary's action. I am to make the motion for reference only when the Secretary has read the title of the Bill. There is another aspect of the question. The penalty under Rule 32 is the Bill shall not be taken for consideration for 15 days. That is the only penalty, and it does not say that there shall not be any more reference to a Select Committee. And I can within 15 days move that the Bill be referred to a Select Committee, and there is no statutory prohibition for that. It is stated nowhere that there shall not be a reference in future. Rule 32 only says: " If the motion for a reference is not made or if a motion is made and negatived, the Member in charge shall not move that the Bill be taken into consideration until the expiration of 15 clear days from the date on which the Bill was read under clause (2) of Rule 31.

Deputy President.—The omission to read the Bill by the Secretary is not serious and it may be supposed to have been read. The motion for a reference should be made then and there. Since it is not done, the motion for a reference to a Select Committee is out of order at this stage. I shall put down my views in writing.

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When Mr. C. A. Kunjunni Raja moved for the appointment of a Select Committee in connection with his 'Chief Court Amendment Bill', an objection was taken to the motion by Mr. V. D. Ouseph on the ground that it was either premature or too late. He contends that the title of the Bill was not read by the Secretary, and that the introduction stage of the Bill was not completed and that, if that stage was completed, the mover ought to have moved for the Select Committee at once, and that his failure to do so disentitles him to move for a Committee now.

On a proper consideration of Standing Orders 31 and 32, I am inclined to disallow the first contention and allow the second. The Proceedings of the Council, dated 18th Kumbham 1103, no doubt, do not show that the title was read by the Secretary after the motion for reading the Bill was carried. But that does not appear to me a very material circumstance, in deciding whether that stage was completed or not. The motion for reading the Bill in the Council was carried by the Council, and we must, therefore, presume that what the Secretary had to do then was also done. There seems to be a similar provision in the British Parliamentary Practice also, and there the reading of the Bill or title of the Bill is presumed or deemed to have been done if the Bill was placed on the Table of the House, whether as a matter of fact it was done or not. (Section 21, Halsbury's Laws of England, para 1329 and May's Parliamentary Practice 384 and 395.) The Proceedings of the Council would go to show that that stage of the Bill was regarded as complete then. In these circumstances, I must hold that the reading of the Bill, as contemplated by Standing Order 31, was over. Mere omission, if any, does not affect the validity of the Proceedings.

The next question is whether failure to move for a Select Committee at once disentitles him to move such a motion now. On a proper construction of Standing Order 32, it seems to me that he is disentitled. It is, no doubt, discretionary with the mover to move for a Select Committee or not; but Standing Order 31 makes it incumbent of him to make the motion immediately if he wants to move for it. Standing Order 32 does not specifically deny him such a right, but that should be the case now if such a motion was disallowed once. I am not, therefore, inclined to infer in favour of the existence of such a right in case it was not moved at once. Having failed to move at once, his only right now seems to me to move for the consideration of the Bill under Standing Order 32, which, I think, he can do at

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any time after the expiry of 15 days from the date on which the motion for the reading of the Bill was carried. I, therefore, hold that the motion is not in order on the second ground, and should be disallowed.

(*The President ruled that the Bill was out of order.*)

Bill to amend the Cochin Municipal Regulation.

Deputy President.—Next item, Bill No. iii, by Mr. C. A. Kunjunni Raja.

Mr. C. A. Kunjunni Raja.—I beg to move that my Bill to amend the Cochin Municipal Regulation be read in Council.

Mr. A. Eachara Menon.—I beg to second it.

Deputy President.—The Hon'ble Member should explain the Bill.

Mr. C. A. Kunjunni Raja.—The Members who are elected by rate-payers can become Chairman. The electorate must also be given an opportunity.

Mr. Thomas Manjuran.—I support the Bill.

Deputy President.—There is no opposition?

Mr. Thomas Manjuran.—No, Sir.

(*The motion was put and agreed to.*)

Secretary to the Council.—The title of the Bill is "*A Bill to amend the Cochin Municipal Regulation*".

Mr. C. A. Kunjunni Raja.—I request the President that the time limit may be waived.

Deputy President.—Yes. I waive it.

Mr. C. A. Kunjunni Raja.—I move that the Bill be taken into consideration at once.

Mr. A. Eachara Menon.—I second it.

Deputy President.—But before the Bill is moved for consideration, under section (7) of Regulation II of 1100, the 2 clauses should be read in Council by the President.

(*The motion that the Bill be taken into consideration at once was put and agreed to.*)

Deputy President.—The first clause:—

"*That the Regulation may be called 'The Cochin Municipal Regulation Amendment Regulation of 110' and it shall come into force at once*".

(*The clause was put and passed.*)

Deputy President.—The second clause:—

'*That it extends to the whole of Cochin*'.

(*The above clause was put and agreed to.*)

Mr. C. A. Kunjunni Raja.—Under section 42 (1) I beg to move that this Bill be taken up and passed to-morrow.

Mr. A. Eachara Menon.—I second it.

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